

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
 Bel Air, Maryland 21014

Case No. 5400  
 Date Filed 1/28/03  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$450

*Shaded Areas for Office Use Only*

Type of Application	CASE 5400	MAP 61	TYPE	Variance
<input type="checkbox"/> Administrative Decision/Interpretation	<b>ELECTION DISTRICT 1 LOCATION</b> 3216 Woodspring Drive, Abingdon, Md. 21009			
<input type="checkbox"/> Special Exception	<b>BY</b> Ann Marie Spakowski (Patio Enclosures Inc., 224 Eighth Ave., NW, Glen Burnie, Md. 21061			
<input type="checkbox"/> Use Variance				
<input type="checkbox"/> Change/Extension of Non-Conforming Use				
<input type="checkbox"/> Minor Area Variance	Appealed because a variance pursuant to Section 267-36B, Table V of the Harford County Code			
<input checked="" type="checkbox"/> Area Variance	to allow a sunroom within the required 40 foot rear yard setback (proposed 32 foot) in a R2/COS District			
<input type="checkbox"/> Variance from Requirements of the Code	requires approval by the Board.			
<input type="checkbox"/> Zoning Map/Drafting Correction				

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

~~Applicant/Owner~~ (please print or type)  
 Co-Applicant.

Name Patio Enclosures Inc. Phone Number 443-797-0351

Address 224 8th Ave. NW Glen Burnie, MD 21061  
 Street Number Street City State Zip Code

~~Applicant~~ Ann Marie Spakowski Phone Number 410-371-1099

Address 3216 Woodspring Dr. Abingdon, MD 21009  
 Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
 Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
 Street Number Street City State Zip Code

## Land Description

Address and Location of Property 3216 Woodspring Dr. Abingdon, MD 21009

Subdivision Lou Mar

Lot Number 23

Acreage/Lot Size 5.628

Election District 01

Zoning R2 COS

Tax Map No. 61

Grid No. 1F

Parcel 424

Water/Sewer: Private \_\_\_\_\_

Public xx

List ALL structures on property and current use: Townhouse

Estimated time required to present case: 15-20 Minutes

If this Appeal is in reference to a Building Permit, state number No application made yet.

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No x

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No x

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No x

## Request

Request a variance to allow the construction of a one story 12' x 10' glass

and screen sun room on a new wood foundation elevated approximately four to five

feet above grade with a rear yard setback of 32' in lieu of the required 40'

## Justification

Of the four connected townhouses, #3216 sits further back on the lot than others.

The proposed sunroom is modest in size (120 sq')

The neighboring property is improved with a deck addition.

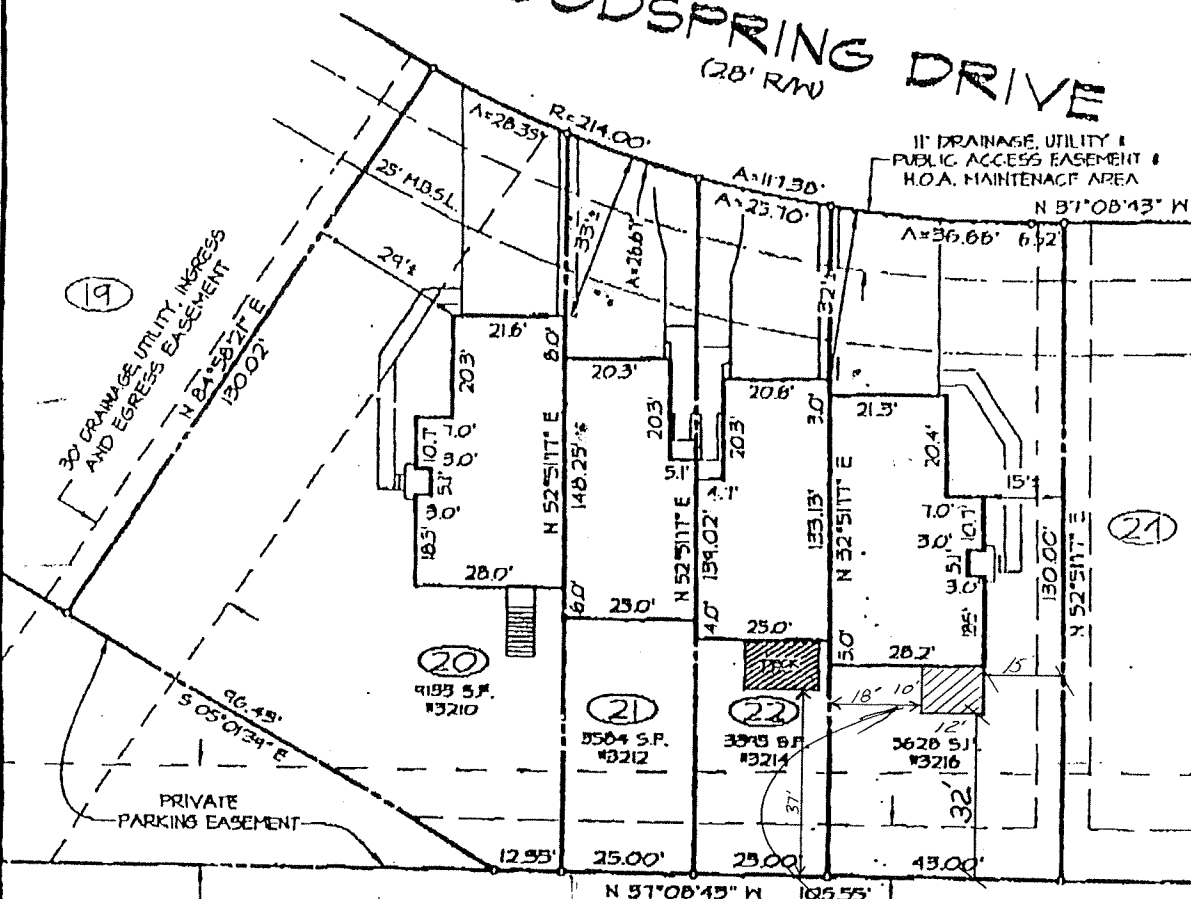
*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

FLOOD NOTE:  
THIS IS TO CERTIFY THAT  
NOT WITHIN THE FLOOD ZONE  
INSURANCE RATE MAPS

LAND SHOWN HEREON IS  
AS SHOWN ON THE FLOOD  
ZONED JANUARY 1, 2000

# WOODSPRING DRIVE

(28' RW)



PRIVATE EXISTING 20' DRAINAGE  
AND UTILITY EASEMENT  
(3320/0340)  
(TO BE RELEASED BY A SEPERATE DOCUMENT)

10' INGRESS AND  
EGRESS EASEMENT

*Proposed*  
*120'*  
*SUN ROOM*

*40' REAR  
SETBACK*

*SPINKOWSKI*  
*#31076*

11-19-03

## CONTRACT CONDITIONS

LOT BOUNDARY - AS CALLED  
BUILDING DIMENSIONS - 8' 0" T  
BUILDING TO BOUNDARY LINE - 8' 0"

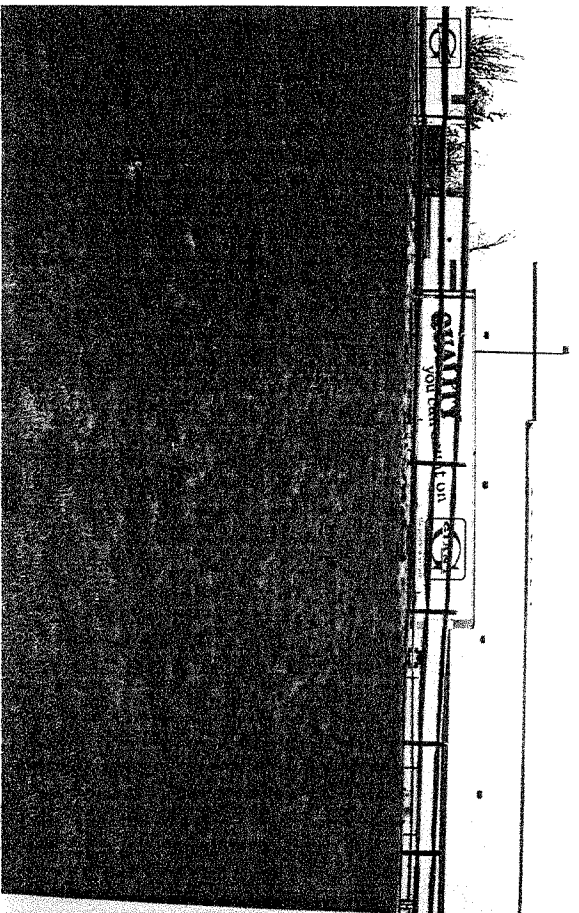
- THIS PLAN IS OF NO EFFECT TO A CONVEYOR ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTINGENT TRANSFER, FINANCING OR RE-FINANCING.
- THIS PLAN IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS, AND
- THIS PLAN DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR RE-FINANCING.



**MORRIS & RITCHIE ASSOCIATES, INC.**  
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, & LANDSCAPE ARCHITECTS  
5445-A Box Hill Corporate Center Drive  
Abingdon, Maryland 21009  
(410) 515-4000  
FAX: (410) 515-4002

LOCATION DRAWING  
LOTS 20-23  
FINAL PLAT TWO  
**LOU MAR**  
C.O.H. 107 FOLIO 38  
FIRST ELECTION DISTRICT HANFORD COUNTY, MD  
FOR: RYLAND HOMES

DATE: OCTOBER 1, 2003	DRAWN BY: PKD	DESIGN BY:	REVIEW BY: BTK	JOB NO. 12490
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VIEW OF REAR YARD AS SEEN FROM HOUSE

ANN MARIE SPAROWSKI  
3216 WOODSPRINGS DR.



VIEW OF REAR OF HOUSE



**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



**J. STEVEN KAI-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## **HARFORD COUNTY GOVERNMENT**

### **Department of Planning and Zoning**

February 11, 2004

#### **STAFF REPORT**

#### **BOARD OF APPEALS CASE NO. 5400**

APPLICANT/OWNER: Patio Enclosures Inc.  
224 8<sup>th</sup> Ave. NW, Glen Burnie, Maryland 21061

Co-APPLICANT/OWNER: Ann Marie Spakowski  
3216 Woodspring Drive, Abingdon, Maryland 21009

REPRESENTATIVE: Applicants

LOCATION: 3216 Woodspring Drive/Lou Mar  
Tax Map: 61 / Grid: 1F / Parcel: 424 / Lot: 23  
Election District: First (01)

ACREAGE: 5.628 acres

ZONING: R2/Urban Residential/Conventional with Open Space (To be referred to as R2/COS throughout the report).

DATE FILED: January 28, 2004

HEARING DATE: March 17, 2004

#### **APPLICANTS' REQUEST and JUSTIFICATION:**

##### **Request:**

"Request a variance to allow the construction of a one story 12' x 10' glass and screen sun room on a new wood foundation elevated approximately four to five feet above grade with a rear yard setback of 32' in lieu of the required 40'."

*Preserving our values, protecting our future*

Justification:

“Of the four connected townhouses, #3216 sits further back on the lot than others. The proposed sunroom is modest in size (120 sq’). The neighboring property is improved with a deck addition.”

**CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-36B, Table V, of the Harford County Code, to allow a sunroom within the required 40-foot rear yard setback (32-feet proposed) in an R2/Urban Residential/Conventional with Open Space District (R2/COS).

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 1).

**LAND USE and ZONING ANALYSIS:**

Land Use – Master Plan:

The subject property is located to the east of Emmorton Road (MD Route 924) off the southwest side of Abingdon Road in the development of Lou Mar. The lot is situated on the south side of Woodspring Drive. A location map and a copy of the Applicants’ site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. This area of the County contains a mix of Low, Medium and High Intensities. The Natural Features Map reflects stream buffer systems. The subject property is located within the Medium Intensity designation, which is defined by the 1996 Master Plan as:

**Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Resources Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. The area has a mix of residential and commercial uses. Residential uses include single-family dwellings, townhouses, cluster homes, apartments and condominiums. Commercial activity includes individual retail uses, shopping centers, personal and professional services, restaurants, motor vehicle sales and related uses. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The lot is rectangular in shape and approximately 6,688 square feet in size. The improvements consist of a brick and frame two-story townhouse with a side entrance. There is an attached two-car garage and concrete driveway. It is an end unit and one of four in the group. The lot slopes

## STAFF REPORT

Board of Appeals Case Number 5400

Patio Enclosures Inc. and Ann Marie Spakowski

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gently up from the road to the front of the house, then levels off to a point near the rear of the dwelling. At this point it begins to slope downward for approximately 20 to 25-feet, at which point it slopes sharply upward to a stormwater management pond to the rear. Enclosed with the report are site photographs, a copy of the topography map and an enlargement of the aerial photograph (Attachments 7, 8, and 9).

### Zoning:

The zoning classifications in this area are consistent with the 1996 Master Plan as well as with the existing land uses. Residential zoning includes R2, R3 and R4 Urban Residential District. Commercial zoning includes B2/Community Business, B3/General Business and CI/Commercial Industrial Districts. The subject property is zoned R2/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 10).

### SUMMARY:

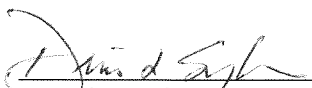
The Applicants are requesting a variance pursuant to Section 267-36B, Table V, of the Harford County Code, to allow a sunroom within the required 40-foot rear yard setback (32-feet proposed) in an R2/Urban Residential/Conventional with Open Space District (R2/COS).

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

This Department finds that the subject property is unique. The home had to be placed further back on the lot because of the curve in Woodspring Drive. The lot backs up to a commercial lot improved with a grocery store. Immediately behind this lot is a stormwater management facility for the grocery store. The request if approved will not adversely impact the adjacent properties or the intent of the Code.

### RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the Applicants obtaining all necessary permits and inspections for the sunroom.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/ka